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Separate paging is given to this Part in order that it may be filed as a separate compilation

PART III—SECTION 4

Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued, by Statutory Bodies

RESERVE BANK OF INDIA

Central Office

NOTIFICATION

Bombay, the 9th December 1959

No. 10—Dr. N. S. R. Sastry, Statistical Adviser, Reserve Bank of India, Department of Statistics, Bombay, was granted leave from 30th October to 29th November 1959.

2. Shri S. Ananthanarayanan, is appointed to officiate as Accountant, Reserve Bank of India, Bangalore, with effect from 4th November 1959 *vice* Shri J. N. Gupta proceeded on leave.

3. Shri A. D. Ambe, officiating Banking Officer, Reserve Bank of India, Department of Banking Operations, Bombay proceeded on leave with effect from 5th November 1959.

4. Shri W. Martyres is appointed to officiate as Accountant, Reserve Bank of India, Public Debt Office, Bangalore, with effect from the close of business on 11th November 1959 *vice* Shri S. R. Shiraly proceeded on leave preparatory to retirement.

5. On return from leave Shri B. N. Srivastava, is reposted as Assistant Accountant, Reserve Bank of India, Issue Department, Calcutta with effect from 12th November 1959.

6. Shri M. R. Kamath, Banking Officer, Reserve Bank of India, Department of Banking Operations, Bombay, proceeded on leave with effect from 12th November 1959.

7. Shri S. S. Birdie is posted as Assistant Accountant, Reserve Bank of India, New Delhi, with effect from 14th November 1959.

8. On return from leave Shri S. Ramaswamy is reposted as Assistant Accountant, Reserve Bank of India, Exchange Control Department, Bombay with effect from 14th November 1959.

9. On return from leave Shri T. K. Ramasubramaniam is placed on Special Duty with effect from 16th November 1959.

10. On return from leave Shri K. R. Subrahmanyam is reposted as Banking Officer, Reserve Bank of India, Department of Banking Operations, Madras with effect from 16th November 1959 *vice* Shri V. S. L. Narasimhan reverted as Superintendent.

11. Shri H. K. Das Gupta is posted as Banking Officer, Reserve Bank of India, Department of Banking Operations, Madras with effect from 17th November 1959.

12. On return from leave Shri V. K. Syamasundaran is reposted as officiating Industrial Finance Officer, Reserve Bank of India, Industrial Finance Department, Bombay, with effect from 17th November 1959.

13. Shri M. M. Mehra, officiating Inspector, Reserve Bank of India, Central Office, Bombay, was granted leave from 18th November to 2nd December 1959.

14. Shri K. Raghavan, Assistant Chief Officer, Reserve Bank of India, Department of Banking Operations, Bombay is posted as Banking Officer in the same Department with effect from the close of business on 18th November 1959.

15. On return from leave Shri R. A. Gulmohamed is reposted as Deputy Chief Officer, Reserve Bank of India, Department of Banking Operations, Bombay, with effect from 19th November 1959.

16. On return from leave Shri V. Venkatasubramanian is posted as officiating Banking Officer, Reserve Bank of India, Department of Banking Operations, Trivandrum with effect from 19th November 1959 *vice* Shri R. Vijayaraghavan reverted as Superintendent.

17. Shri D. S. Sukhtankar, Accountant, Reserve Bank of India, Public Debt Office, Bombay, is posted as Accountant, Reserve Bank of India, Public Accounts Department, Bombay, with effect from the close of business on 20th November 1959 *vice* Shri K. Achan proceeded on leave.

18. Shri E. H. Partridge, officiating Assistant Accountant, Reserve Bank of India, Exchange Control Department, Bombay reverted as Sub-Accountant with effect from the close of business on 21st November 1959 and is re-appointed to officiate as Assistant Accountant in the same Department with effect from 23rd November 1959 *vice* Shri L. S. Sule proceeded on leave.

19. On return from leave Shri B. L. Bahl is reposted as Assistant Accountant, Reserve Bank of India, Exchange Control Department, Bombay with effect from 23rd November 1959.

20. Shri R. C. Sachdeva, Manager and Currency Officer, Reserve Bank of India, Kanpur was granted leave from 23rd to 27th November 1959.

21. Shri S. G. Shah is appointed to officiate as Assistant Accountant, Reserve Bank of India, Public Accounts Department, New Delhi with effect from the close of business on 24th November 1959 *vice* Shri Ramdittamal.

22. On return from leave Shri J. N. Gupta is reposted as officiating Accountant Reserve Bank of India, Bangalore with effect from the close of business on 25th November 1959 *vice* Shri S. Ananthanarayanan reverted as Staff Assistant.

23. On return from leave Shri A. D. Prabhu is reposted as Currency Officer, Reserve Bank of India, Issue Department, Bombay with effect from the close of business on 27th November 1959 *vice* Shri C. K. Bhaskaran.

24. On return from leave Shri P. V. Ranganathan is reposted as officiating Director of Monetary Research, Reserve Bank of India, Economic Department, Bombay, with effect from 30th November 1959.

25. On return from leave Dr. P. J. J. Pinto is reposted as Director of International Finance, Reserve Bank of India, Economic Department, Bombay with effect from 30th November 1959 *vice* Shri S. D. Deshmukh, reverted as Deputy Director.

26. On return from leave Shri A. K. Bose is reposted as officiating Banking Officer, Reserve Bank of India, Department of Banking Operations, Calcutta with effect from 30th November 1959 *vice* Shri S. C. Chowdhury reverted as Staff Assistant.

27. Shri M. K. Titus, Industrial Finance Officer, Reserve Bank of India, Industrial Finance Department, Bombay proceeded on leave with effect from 30th November 1959.

28. Shri Kewal Krishan, Officer on Special Duty is posted as Banking Officer, Reserve Bank of India, Department of Banking Development, Bombay with effect from 30th November 1959 *vice* Shri K. R. Ramakrishnan reverted as Superintendent.

29. On return from leave Shri D. P. Sinha is reposted as Administrative Officer, Reserve Bank of India, Economic Department and Department of Statistics, Bombay with effect from the close of business on 30th November 1959 *vice* Shri M. R. Rao transferred.

30. Shri M. R. Rao is posted as Assistant Chief Accountant, Reserve Bank of India, Central Office, Bombay with effect from 1st December 1959.

K. G. AMBEGAOKAR
Deputy Governor

Department of Banking Development

Bombay 1, the 16th December 1959

No. DBD.PR(R)-73/SBS.6-59—In pursuance of section 60 of the State Bank of India (Subsidiary Banks) Act, 1959 (No. 38 of 1959), and in continuation of the Reserve Bank of India Notification 'No. DBD.PLR.75/SBS.6-59' dated the 25th September 1959, the Governor of the Reserve Bank hereby specifies that in respect of powers, duties or functions conferred, imposed or entrusted by the said Act on, or to, the Reserve Bank, the officers of the Reserve Bank mentioned in column 1 of the schedule hereto shall, subject to such conditions and limitations as the Governor may from time to time specify, exercise or perform the powers, duties or functions as shown in column 2 of the said schedule.

SCHEDULE

Designation of officers (1)	Nature of powers, duties or functions (2)
Executive Directors	All
	H. V. R. IENGAR Governor

NOTICE

Issue Department

Madras, the 16th December 1959

Portions of the following Note of the Madras Office of Issue are stated to have been destroyed and an application for payment of its value has been received from the person whose name is shown against the numbers. Any other person/party who consider(s) himself/themselves as having a right to it is/are warned to communicate at once with the undersigned.

Register No.—W.D.1/59-60

Note No.—Q/9-315562

Bearing King's Effigy or Asoka Pillar—

Asoka Pillar (without Hindi lettering)

Value—Rs. 100.00

Name and address of the applicant—Shri Jiwatram Topandas, Fruit Merchant, Vizianagaram.

J. X. LOBO
Currency Officer
Madras

NOTIFICATION BY THE ADMINISTRATOR, LACCADIVE, MINICOY AND AMINDIVI ISLANDS

NOTIFICATION

Under Section 3(1) of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation 1959 (No. 4 of 1959), the Administrator, Laccadive, Minicoy and Amindivi Islands hereby appoints the following classes of officers of this Union Territory to be

Survey Officers under the Regulation. Under Section 3(2) of the Regulation, the Administrator directs that these officers shall exercise the powers and perform the duties of a Survey Officer within the local limits and for the periods of time as shown below:—

Class of Officer	Local Limits	Period of time
1. Asst. Director of Survey	The Union Territory of Laccadive, Minicoy and Amindivi Islands.	As long as these Officers continue in these posts in this Administration.
2. Secretary to the Administrator	do.	
3. Head Surveyor	do.	
4. Deputy Surveyors	do.	
5. Tehsildars	The area under each Officer's jurisdiction	

C. K. BALAKRISHNAN NAIR
Administrator
Laccadive, Minicoy and Amindivi Islands

MINISTRY OF LABOUR AND EMPLOYMENT

Employees' State Insurance Corporation

NOTIFICATIONS

Kanpur, the 16th December 1959

No. K/Estt./21(10)/57—It is hereby notified that Local Committees consisting of the following members have been re-appointed for Agra and Saharanpur Areas under Regulation 10-A(2-1) of the Employees' State Insurance (General) Regulations, 1950, with effect from the date of notification.

AGRA AREA

Chairman

'Under Regulation 10-A(1)(a)'.

1. Civil Surgeon, Agra (Ex-Officio).

Members

'Under Regulation 10-A(1)(b)'.

2. Regional Assistant Labour Commissioner, Agra Region, Agra.

'Under Regulation 10-A(1)(c)'

3. Senior Insurance Medical Officer, E.S.I. Dispensary, Agra.

'Under Regulation 10-A(1)(d)'.

4. Shri Madan Mohan Saran Goel, M.A., LL.B., Proprietor Vimal Box Manufacturers, Agra.

5. Shri Kishan Chand Singhal, M/s. Malloomal Ram Prasad, Agra.

'Under Regulation 10-A(1)(e)'.

6. Shri Prithvi Nath Bhargava, Belanganj, Agra.

7. Shri Roshan Lal Sutel,
C/o City Congress Committee,
Agra.

'Under Regulation 10-A(1)(f)'.

8. The Manager,
Local Office,
Employees' State Insurance Corporation,
Agra (Ex-Officio) Secretary.

SAHARANPUR AREA

Chairman

'Under Regulation 10-A(1)(a)'.

1. Civil Surgeon,
Saharanpur (Ex-Officio).

Members

'Under Regulation 10-A(1)(b)'.

2. The Additional Regional Conciliation Officer,
Saharanpur.

'Under Regulation 10-A(1)(c)'

3 Senior Insurance Medical Officer,
E.S.I. Dispensary,
Saharanpur.

'Under Regulation 10-A(1)(d)'.

4. Shri Munna Lal Jain,
M/s. National Import & Export Co.,
Bombay Bazar,
Meerut Cantt.

5. Shri Pritam Sein Jain,
Director, Saharanpur Electric Supply Co., Ltd.,
Saharanpur.

'Under Regulation 10-A(1)(e)'.

6. Shri Gorakh Nath Singh,
C/o Star Paper Mills,
Saharanpur.

7. Dr. Jai Gopal, M.L.A.,
C/o Cigarettes Workers Union,
Chanki Sarai, Saharanpur.

'Under Regulation 10-A(1)(f)'.

8 The Manager,
Local Office,
E.S.I. Corporation,
Saharanpur (Ex-Officio) Secretary.

By order

R. K. AGRAWAL
Regional Director

New Delhi, the 16th December 1959

No. 2-2/1/56-Estt—In exercise of the powers conferred by sub-section (1) of Section 97 read with clause (xxi) of sub-section (2) and sub-section (2-A) of that Section and sub-section (2) of Section 17 of the Employees' State Insurance Act, 1948 (34 of 1948), the Employees' State Insurance Corporation hereby makes, with the approval of the Central Government, the following regulations, namely:—

Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959

1. *Short Title and Commencement*—(1) These regulations may be called the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959.

(2) They shall come into force at once.

2. *Definitions*—In these regulations, unless the context otherwise requires—

- (a) "Act" means the Employees' State Insurance Act, 1948 (34 of 1948);
- (b) "Commission" means the Union Public Service Commission;
- (c) "Corporation" means the Employees' State Insurance Corporation established under the Act;
- (d) "Director General" means the Director General of the Corporation;
- (e) "employee" means a person appointed to or borne on the cadre of the staff of the Corporation;
- (f) "month" means a calendar month;
- (g) "post" means a post under the Corporation and a post shall be deemed to be a post in Class I, Class II, Class III or Class IV, according as such post is specified in Class I, Class II, Class III or Class IV in the First Schedule;
- (h) "Schedule" means a Schedule to these regulations;
- (i) "service" means service under the Corporation;
- (j) "Standing Committee" means the Standing Committee of the Corporation;
- (k) all other words and expressions used hereinafter but not defined herein shall have the meaning assigned to them in the relevant rules applicable to the corresponding classes of Central Government servants.

3. *Application*—These regulations shall apply to every whole-time employee of the Corporation, other than the Principal Officers appointed under Section 16 of the Act:

Provided that a Government servant or an employee of a local authority, whose services have been or may be obtained on deputation by the Corporation, may be governed by such terms and conditions as may be settled by the Director General in consultation with the Government or the local authority concerned;

Provided further that an employee appointed on contract or tenure basis may be exempted from these regulations to such extent and subject to such conditions as may be specified by the Director General, subject to the submission of a report to the Standing Committee.

4. *Appointing Authority*—All appointments to posts shall be made by the Director General:

Provided that the Standing Committee or the Director General may, by general or special order, delegate to any other authority or officer of the Corporation, powers to make appointments to any post or class of posts other than posts in Class I and Class II.

5. *Probation*—(1) Every person appointed to a post by direct recruitment or by departmental promotion with a view to his eventual substantive appointment to that post, shall be on probation for a period of two years.

Provided that the appointing authority may, in suitable cases, extend the period of probation for not more than one year, except for special reasons, but no employee shall, in any case, be kept on probation for a total period exceeding four years in any post.

(2) In the case of a tenure appointment, the Director General may prescribe such period of probation as he may consider necessary.

(3) The appointing authority may, at its discretion, count any period during which an employee has successfully officiated in a post, as period of probation in that post.

(4) An employee shall be confirmed in the post on satisfactory completion of probation if the post against which he is appointed is permanent and substantively vacant; otherwise he will be deemed to have completed the period of probation satisfactorily and will thereafter continue in a temporary capacity until he is confirmed in a permanent post.

(5) The decision on the question whether an employee should be confirmed or whether he should be deemed to have completed the period of probation satisfactorily or whether his probation should be extended shall ordinarily be taken within a period of two months after the expiry of the period of probation, and communicated to the employee, together with the reasons in case of extension. An employee who does not make satisfactory progress, or shows himself to be inadequate for the post in any way, shall be informed of his shortcomings sufficiently before the expiry of the initial period of probation to enable him to make special efforts for improvement.

6. *Termination of Service*—(1) Notwithstanding anything contained in these regulations, an employee shall not leave or discontinue his service without giving, where he is a permanent employee, three months' notice, and in any other case one month's notice in writing of his intention to do so, to the Officer-in-Charge of his office or in the case of the Head of an Office to the next superior Officer, and until the notice so given is accepted by the appointing authority.

(2) The services of a permanent employee may be terminated on the abolition of the permanent post held by him in a class or cadre, or reduction in the number of posts in a class or cadre by the authority competent to make appointments to the post which the employee holds, on giving three months' notice or pay in lieu thereof, provided that this power shall be exercised where the appointing authority is not the Director General, with the approval of the Director General.

(3) The services of a temporary employee may be terminated without assigning any reason therefor, at any time, after giving him one month's notice or pay in lieu thereof, by the appointing authority.

(4) Notwithstanding the provisions of sub-regulations (1), (2) and (3), the services of any employee may be terminated by the appointing authority after giving one month's notice or pay in lieu thereof on his being certified by a Medical Board to be permanently incapacitated for further service in the Corporation.

7. Pay, Leave, Provident Fund and Age of Compulsory Retirement—(1) The scales of pay attached to the posts under the Corporation shall be as set out in the First Schedule.

(2) The regulations relating to the grant of leave, benefit of gratuity and provident fund to the employees and the age at which they shall be compulsorily retired from service, shall be as set out in the Second Schedule.

(3) The fixation of pay, grant of increments and connected matters shall, in the case of an employee, be governed by the provision contained in the Fundamental Rules and the Supplementary Rules framed thereunder, as applicable, from time to time, to employees of the Central Government. The initial pay of employees appointed on the recommendation of the Commission will, however, be as recommended by the Commission.

(4) Notwithstanding the provisions of sub-regulation (3)—

(a) the initial pay of a Government servant permanent or temporary, on first appointment in the Corporation on the recommendation of the Commission or otherwise, shall not be less than what would have been admissible to him if he was appointed to a post in a similar scale of pay under the Central Government,

(b) the service, including the broken period of service, rendered by a temporary Government servant under the Central Government in the time scale of pay similar to that to which he is appointed in the Corporation shall be counted for purposes of increment, provided he is appointed in the Corporation without any break after the termination of his service under the Central Government.

(5) The employees will be entitled to such allowances including travelling allowance and concessions as may be admissible from time to time to corresponding category of Central Government servants.

8. Superannuation Benefits—All employees other than a Government servant or an employee of a local authority who is on deputation to the Corporation, shall be entitled to such superannuation benefits as the Corporation may, from time to time, prescribe with the approval of the Central Government.

9. Control and Discipline—All employees of the Corporation shall be subject to the superintendence and control of the Director General, and shall be governed by such rules of conduct, discipline and control as hereinafter provided or as the Director General may, from time to time, by general or special order, specify.

10. Suspension—(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Standing Committee or the Director General in that behalf, may place an employee under suspension,

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation or trial;

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention, by an order of the appointing authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed on an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or

compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made this regulation may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

11. Nature of Penalties—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely:—

(i) Censure;

(ii) Withholding of increments or promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders;

(iv) reduction to a lower grade or post, or to a lower time-scale, or to a lower stage in a time scale;

(v) compulsory retirement;

(vi) removal from service which shall not be a disqualification for future employment;

(vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation—The following shall not amount to a penalty within the meaning of the regulation:—

(a) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders covering the service or post or the terms of his appointment;

(b) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;

(c) non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;

(d) reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;

(e) reversion to his permanent grade, or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;

(f) replacement of the services of an employee whose services have been borrowed from the Central or a State Government or a local authority at the disposal of the authority which had lent his services;

(g) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;

(h) termination of the services:—

(i) of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations or orders governing probation; or

(ii) of an employee in accordance with regulation 6;

(iii) of an employee employed under an agreement, in accordance with the terms of such agreement.

12. Disciplinary Authorities—(1) The Director General may impose any of the penalties specified in regulation 11 on any employee.

(2) Without prejudice to the provisions of sub-regulation (1) but subject to the provisions of sub-regulation (3), any of the penalties specified in regulation 11 may be imposed on any employee by the appointing authority or the authority specified in this behalf by a general or a special order of the Director General.

(3) Notwithstanding anything contained in this regulation, no penalty specified in clauses (iv) to (vii) of regulation 11 shall be imposed by any authority lower than the appointing authority.

13. *Procedure for Imposing Penalties*—No order imposing on an employee any of the penalties specified in regulation 11, shall be passed except in the manner and after following the procedure laid down in the Third Schedule.

14. *Provisions Regarding Officials on Deputation to the Corporation*—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government or a State Government or a local authority, the authority lending his services (hereinafter in this regulation referred to as the 'lending authority') shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against such employee,—

- (i) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of regulation 11 should be imposed on him, it may, subject to the provisions of paragraph 3(12) of the Third Schedule, after consultation with the lending authority, pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority;

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (v) to (vii) of regulation 11 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

15. *Appeals: Orders Made by the Chairman of the Standing Committee*—Notwithstanding anything contained in these regulations, no appeal shall lie against any order made by the Chairman of the Standing Committee.

16. *Appeals Against Orders of Suspension*—An employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

17. *Appeals Against Orders Imposing Penalties*—(1) Where any order is passed originally, imposing any of the penalties specified in regulation 11 or against any order passed on first appeal from such original order, by an appointing authority subordinate to the Director General or to any other authority specified in this behalf by the Director General, the appeal against such order shall lie to the Director General or the other authority so specified, as the case may be.

(2) Notwithstanding anything contained in sub-regulation (1), where an order is passed originally imposing a penalty specified in regulation 11 by an authority subordinate to the appointing authority, the appeal against such order shall, in the first instance, lie to the appointing authority and thereafter, if the penalty has been enhanced by such authority (not being the Director General), under paragraph 6(2)(c) of the Fourth Schedule or regulation 22, to the Director General or any other authority specified for the purpose by the Director General.

(3) An employee may appeal to the Chairman of the Standing Committee against any order passed originally, imposing any of the penalties specified in regulation 11 or against any order passed on first appeal from such original order, by the Director General.

18. *Appeals Against Other Orders*—(1) An employee may appeal against an order which—

- (a) denies or varies to his disadvantage his pay, allowances, superannuation benefits or other conditions of service as regulated by any regulations or by agreement, or
- (b) interprets to his disadvantage the provisions of any such regulations or agreement:

to the Director General, if the order is passed by any authority subordinate to the Director General, or to the Chairman of the Standing Committee, if the order is passed by the Director General.

(2) An appeal against an order—

- (a) stopping an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;

(b) reverting to a lower grade or post, an employee officiating in a higher grade or post, otherwise than as a penalty;

(c) reducing or withholding any amount of a superannuation benefit or denying the maximum amount of a superannuation benefit admissible under the relevant regulations; and

(d) determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie—

(i) in the case of an order made in respect of an employee on whom the penalty of dismissal from service can be imposed only by the Director General, to the Director General; and

(ii) in the case of an order made in respect of any other employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

Explanation—In this regulation:—

- (i) the expression "employee" includes a person who has ceased to be in the service of the Corporation;
- (ii) the expression "superannuation benefit" includes provident fund, gratuity and any other retirement benefit.

19. *Submission and Consideration of Appeals*—An appeal under regulations 16 to 18 shall be submitted, entertained and considered in such form and manner and in accordance with such procedure as laid down in the Fourth Schedule.

20. *Implementation of Orders in Appeal*—The authority which made the original order shall give effect to the orders passed by the appellate authority.

21. *Provision where Disciplinary Authority, etc. subsequently becomes Appellate Authority*—Notwithstanding anything contained in regulations 15 to 20 where the person who made the order appealed against, becomes by virtue of his subsequent appointment of otherwise, the appellate authority under regulations 16 to 18 in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to that appeal be deemed to be the appellate authority for the purpose of these regulations.

22. *Review*—Notwithstanding anything contained in these regulations, in the case of an order imposing any of the penalties specified in regulation 11, the authority to whom the first or second appeal in relation to such order lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and pass such orders as it deems fit, as if the first or second appeal had been preferred to such authority:

Provided that no action under this regulation shall be initiated more than six months after the date of the order to be reviewed.

23. *Conduct of Employees*—Subject to the provisions of these regulations, the employees of the Corporation shall be subject *mutatis mutandis* to a code of conduct similar to the one prescribed by the Central Government for Central Government servants.

24. *Other Conditions of Service*—In respect of all other matters relating to the conditions of service of employees, for which no provision or insufficient provision has been made in these regulations, the rules applicable, from time to time, to the corresponding category of Central Government servants shall apply, subject to such modifications and variations or exceptions if any, as the Director General may, with the approval of the Standing Committee, by order from time to time specify.

Explanation—For the purpose of these regulations, the Director General may, with the approval of the Standing Committee, by order, specify the posts under the Corporation which shall correspond to the posts under the Central Government.

25. *Relaxations in Exceptional Cases*—Where the Director General is satisfied that the operation of any regulation or provision in the matter of the conditions of service of an employee causes undue hardship in any particular case, he may, with the approval of the Standing Committee, by order, dispense with or relax the requirements of that regulation or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

26. *Oath of Allegiance to the Constitution of India*—Every employee shall be required to take an oath or solemnly affirm his allegiance to the Constitution of India as by law established, at the time of his appointment to the service of the Corporation.

27. *Declaration to be made by Employees*—Every employee to whom these regulations apply shall make the following declaration:

"I hereby declare that I have read and understood the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959, and I hereby subscribe and agree to be bound by the said Regulations.

Witness	Employee
Signature	Name in full
Name	Nature of appointment
Date	Date of appointment
Occupation	Signature
Address	Date

THE FIRST SCHEDULE

[(See Regulations 2(g) and 7(1)]

Serial No.	Designation of Post	Scale of pay
CLASS I GAZETTED		
1	Director of Establishment ..	Rs. 600—40—1,000—1,000—1,050—1,050—1,100—1,100—1,150.
2	Deputy Insurance Commissioner ..	Rs. 600—40—1,000—1,000—1,050—1,050—1,100—1,100—1,150.
3	Regional Director Grade I ..	Do.
CLASS II GAZETTED		
4	Regional Director Grade II ..	Rs. 350—25—500—EB—30—800.
5	Assistant Insurance Commissioner ..	Do.
6	Deputy Regional Director ..	Do.
7	Assistant Medical Commissioner ..	Rs. 350—25—500—EB—30—800 plus 25% of pay as non-practising allowance subject to a maximum of Rs. 150 p.m.
8	Planning Officer (Medical) ..	Do.
9	Medical Referee ..	Do.
10	Assistant Accounts Officer ..	Rs. 350—25—500—EB—30—800.
11	Assistant Director of Establishment ..	(i) Rs. 350—25—500—EB—30—800. (ii) Rs. 325—25—500—EB—30—650.
12	Regional Director Grade III ..	Rs. 250—25—500—EB—25—600.
13	Assistant Regional Director ..	Do.
14	Dy. Asstt. Accounts Officer ..	Do.
15	Manager Grade I ..	Do.
16	Section Officer ..	Do.
CLASS III		
17	Private Secretary to Director General ..	Rs. 300—20—400.
18	Manager Grade II/Deputy Manager ..	Rs. 175—15—370 plus special pay of Rs. 25 p.m.
19	Insurance Inspector ..	Rs. 175—15—370.
20	Assistant ..	Rs. 160—10—330.
21	Personal Asstt. to Director General ..	Rs. 160—10—330 plus a special pay of Rs. 40 p.m.
22	Personal Assistant to other Principal Officers ..	Rs. 160—10—330.
23	Artist ..	Rs. 160—10—330.
24	Head Clerk ..	Rs. 160—10—330.
25	Caretaker ..	Rs. 100—8—140—10—300.
26	Upper Division Clerk Incharge ..	Rs. 80—5—120—EB—8—200—10/2—220 plus a special pay of Rs. 25 p.m.
27	Upper Division Clerk ..	Rs. 80—5—120—EB—8—200—10/2—220.
28	Stenographer ..	Do.
29	Cashier ..	Rs. 60—3—81—EB—4—125—5—130 plus special pay of Rs. 25 p.m.
30	Clerk-cum-Cashier ..	Do.
31	Lower Division Clerk ..	Rs. 60—3—81—EB—4—125—5—130.
32	Adrema Operator ..	Do.
CLASS IV STAFF		
33	Gestetner Operator ..	Rs. 40—1—50—2—60.
34	Record Sorter ..	Rs. 35—1—50.
35	Daftry ..	Rs. 35—1—50.
36	Jamadar ..	Rs. 35—1—50.
37	Peon ..	Rs. 30—1—35.
38	Faraash ..	Rs. 30—1—35.
39	Sweeper ..	Rs. 30—1—35.
40	Chowkidar ..	Rs. 30—1—35.

THE SECOND SCHEDULE

[See regulation 7(2)]

The conditions of service of employees in the matter of leave, gratuity, provident fund and age of compulsory retirement shall be as specified against the relevant entry below:—

Leave—Revised Leave Rules, 1933 as may be applicable to the corresponding category of Central Government servants from time to time.

Gratuity—As may be laid down by the Corporation with the approval of the Central Government.

Provident Fund—Employees' State Insurance Corporation (Provident Fund) Regulations, 1951.

Age of compulsory retirement—As may be prescribed from time to time, by the Central Government in respect of corresponding category of Central Government servants, in rule 56 of the Fundamental Rules.

THIRD SCHEDULE

(See regulation 13)

1. *Procedure for Imposing Minor Penalties*—No order imposing on an employee any of the penalties specified in clauses (i) to (iii) of regulation 11 shall be passed, except after—

(a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;

(b) such representation, if any, is taken into consideration by the disciplinary authority.

2. The record of proceedings in such cases shall include—

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any; and

(iv) the orders on the case together with the reasons therefor.

3. *Procedure for Imposing Major Penalties*—No order imposing on an employee any of the penalties specified in clauses (iv) to (vii) of regulation 11 shall be passed except after an inquiry, held as far as may be, in the following manner:

(1) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the disciplinary authority—

(a) to such authority, or

(b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-paragraph (2) below, to that Board or Officer,

a written statement of his defence and also to state whether he desires to be heard in person.

Explanation—In this sub-paragraph and in sub-paragraphs (2) and (3), below the express "the disciplinary authority" shall include the authority competent under these regulations to impose upon the employee any of the penalties specified in clauses (i) to (iii) of regulation 11.

(2) The disciplinary authority may inquire into the charges itself or, if it considers it necessary so to do, it may either at the time of communicating the charges to the employee under sub-paragraph (1) or at any time thereafter, appoint a Board of Inquiry or Inquiring Officer for the purpose.

(3) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records, are not relevant for the purpose or it is against the public interest to allow him access thereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the disciplinary authority, or the Board of Inquiry or the

Inquiring Officer, a. the case may be, may inquire into such of the charges as are not admitted.

(5) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The employee may present his case with the assistance of any other employee approved by disciplinary authority, but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority as aforesaid, is a legal practitioner, or unless the disciplinary authority, having regard to the circumstances of the case, so permits.

(6) The Inquiring Authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include—

- (i) the charges framed against the employee and the statement of allegations furnished to him under sub-paragraph (1) above;
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the disciplinary authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(9) The disciplinary authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.

(10) If the disciplinary authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of regulation 11 should be imposed, it shall—

- (a) furnish to the employee a copy of the report of the Inquiring Authority and, where the disciplinary authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and
- (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(11) The disciplinary authority shall consider the representation, if any, made by the employee in response to the notice under sub-paragraph (10) above and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(12) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (iii) of regulation 11 should be imposed, it shall pass appropriate orders in the case.

(13) Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the Inquiring Authority and, where the disciplinary authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

4. *Joint Inquiry*—Where two or more employees are concerned in any case, the Director General or any other authority competent to impose the penalty of dismissal

from service on all such employees, may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Subject to the provisions of sub-regulation (3) of regulation 12 any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in regulation 11 which such disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in paragraph 1 or 3 may be followed in the proceeding.

5. *Special Procedure in Certain Cases*—Notwithstanding anything contained in paragraphs 1 to 4—

- (i) where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in paragraphs 1 to 4, or
- (iii) where the Director General is satisfied that in the interest of the Corporation, it is not expedient to follow such procedure;

the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

FOURTH SCHEDULE

(See regulation 19)

1. *Period of Limitation for Appeals*—No appeal shall be entertained by the appellate authority unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

2. *Form and Contents of Appeal*—Every person submitting an appeal shall do so separately and in his own name. The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

3. *Submission of Appeals*—Every appeal shall be submitted to the authority which made the order appealed against, through the head of the office in which the appellant may be serving or, if he is not in service, through the head of the office in which he was last serving. If such authority itself is the head of office or is subordinate to the head of office in which the employee may be serving, or was serving if he is not in service, the appeal shall be submitted direct to that authority. A copy of the appeal may be submitted direct to the appellate authority also.

4. *Withholding of Appeals*—The authority which made the order appealed against may withhold the appeal if—

- (i) it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions laid down in paragraph 2; or
- (iii) it is not submitted within the prescribed time-limit and no cause is shown for the delay; or
- (iv) it is repetition of an appeal already decided and no new facts or circumstances are adduced.

2. If an appeal is withheld on the ground only that it does not comply with the provisions in paragraph 2, it shall be returned to the appellant and shall not be withheld if resubmitted within one month thereof after compliance with the said provisions.

3. Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

4. At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that authority to the appellate authority.

5. *Transmission of Appeals*—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under paragraph 4, together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld, and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

6. *Consideration of appeals*—In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 10 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 11 the appellate authority shall consider:—

- (a) whether the procedure prescribed in the regulations and the Third Schedule has been complied with, and if not, whether such non-compliance has resulted in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders—
 - (i) setting aside, reducing, confirming or enhancing the penalty; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that:—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv) to (vii) of regulation 11 and an inquiry has not already been held in the case in accordance with the prescribed procedure for imposing such penalties, the appellate authority shall, subject to paragraph 5 of the Third Schedule, hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in regulation 18, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

The 17th December 1959

No. INS.I-2(1)-1/59—The following draft of certain amendments to the Employees' State Insurance (General) Regulations, 1950 which the Employees' State Insurance Corporation proposes to make in exercise of the powers conferred by Section 97 of the Employees' State Insurance Act, 1948 (34 of 1948), is published as required by sub-section (1) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the draft amendments will be taken into consideration on or after the 25th January, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft amendments before the date specified will be considered by the said Corporation.

Draft amendments to the Employees' State Insurance (General), Regulations, 1950.

1. After sub-regulation (d) in Regulation 45 the following new sub-regulation (e) shall be inserted, namely:—

“(e) for subsequent payments of disablement benefit for permanent disablement and for subsequent payments of dependants' benefit, the last date of the month following the month for which the last payment in respect of the respective claim was made.”

2. In clauses (ii) and (iii) of Regulation 98 after the word “tuberculosis” the words “leprosy, mental and malignant diseases” shall be inserted.

V. M. ALBUQUERQUE
Director General

Indore, the 17th December 1959

No. MP/(18)-15/59-Estt.—It is hereby notified that a Local Committee consisting of the following members has been appointed for Burhanpur area in Madhya Pradesh Region, under Regulation 10-A of Employees' State Insurance (General) Regulations, 1950, with effect from the date of notification.

Chairman

‘Under Regulation 10-A(1)(a)’.

1. Assistant Labour Commissioner,
Indore Division,
Indore.

Members

‘Under Regulation 10-A(1)(b)’.

2. Medical Officer/Assistant Surgeon,
I/c Government Civil Dispensary,
Burhanpur.

‘Under Regulation 10-A(1)(c)’.

3. Administrative Medical Officer, Indore, or his nominee.

‘Under Regulation 10-A(1)(d)’.

4. K. G. Mamtara,
Manager
The Burhanpur Tapti Mill Ltd.,
Burhanpur.

5. Shri K. N. Saxena,
Labour Officer,
The Burhanpur Tapti Mill Ltd.,
Burhanpur.

‘Under Regulation 10-A(1)(e)’.

6. Shri Abdul Rauf Abdul Latif Qureshi,
Tapti Mill Mazdoor Sangh,
Burhanpur.

7. Shri Motilal Matabadal Shrivastava,
Tapti Mill Mazdoor Sangh,
Burhanpur.

‘Under Regulation 10-A(1)(f)’.

8. Manager, Local Office,
Employees' State Insurance Corporation,
Burhanpur—Secretary.

By order
A. N. BIDANI
Regional Director

**MINISTRY OF TRANSPORT AND COMMUNICATIONS
(DEPARTMENT OF COMMUNICATIONS AND
CIVIL AVIATION)**

(Post and Telegraphs)

NOTICE

New Delhi, the 11th December 1959

No. 25/13/59-LI—Postal Life Insurance, Policy No. 80002-C held by Shri I. D. Sharma having been lost from the departmental custody, notice is hereby given that the payment thereof has been stopped. The Deputy Director, Postal Life Insurance, Calcutta, has been authorised to issue a duplicate policy in favour of the Insurant. The public are hereby cautioned against dealing with the original policy.

N. S. NAIR
Asstt. Dy. Director-General (LI)